

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135, and 141-144 are pending in this application. Claims 1, 51, and 141 are independent. The remaining claims depend, directly or indirectly, from claims 1, 51, and 141.

**Rejections under 35 U.S.C. § 103**

Claims 1-8, 15, 16, 28-30, 35, 38, 51-56, 76-78, 83, 85, 86, 111, 112, 114, 131, 135, 141-142

Claims 1-8, 15, 16, 28-30, 35, 38, 51-56, 76-78, 83, 85, 86, 111, 112, 114, 131, 135, and 141-142 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,594,509 ("Florin") in view of US Patent No. 5,594,509 ("Eyer") and US Patent No. 4,694,490 ("Harvey"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The Examiner admits that Florin fails to teach or suggest prohibiting one of only audio and only visual access to an encrypted program after a predetermined length of time, based upon the determination that complete access rights are not available for the corresponding encrypted program. See Office Action mailed May 30, 2008, p. 4. Further, the Examiner cites Eyer as teaching that complete audio and visual access to the selected program is provided during the predetermined length of time. The cited portion of Eyer teaches a fixed period of time during which

a program can be previewed. *See* Eyer, col. 5, ll. 26-27. Eyer does not, however, teach or suggest prohibiting one of only audio or only visual access after that fixed period of time ends. Rather, in Eyer, once the preview time is over, the program can no longer be viewed. There is no mention in Eyer of prohibiting only one of audio and visual access after the preview time ends. *See* Eyer, col. 10, ll. 48-65.

Further, Harvey fails to supply that which Florin and Eyer lack. The cited portion of Harvey teaches partial encryption of data transmissions, whether one of the audio or the video portion of the transmission is encrypted, while the other portion of either the audio or video is left in unencrypted form. *See* Harvey, col. 14, ll. 1-10. It appears the Examiner makes the assumption that the portion that is left in unencrypted form is permitted, while the portion that is encrypted is the portion that is prohibited. *See* Action mailed May 30, 2008, p. 5. However, as the amended claims of the present application require, the encrypted program of the claimed invention comprises both encrypted audio and encrypted video. After a selection of a program in the mosaic is made, the program is shown, for a predetermined period of time, with both audio and visual access. After the predetermined time ends, the *encrypted version* of the selected program is shown, which includes both encrypted audio and encrypted video, but with *only one of audio or video access permitted*. In other words, in the claimed invention, a choice is made to still provide part of the *encrypted* content even when the user does not have the access rights to the content.

In contrast, the cited portion of Harvey teaches that when audio is prevented (*i.e.*, encrypted), all the encrypted content is prohibited, because the prohibited portion is the only portion that is encrypted. In this case, the unencrypted portion, *i.e.*, the video, is always available. In other

words, Harvey either allows *everything* that was encrypted or prohibits *everything* that was encrypted, whereas the claimed invention, by reciting “wherein the one of only audio access and only visual access is prohibited for the at least one encrypted program,” permits *a portion of encrypted content* to be viewed/heard.

Because the claimed invention prohibits one of only audio and only visual access to an *encrypted* program, while Harvey only provides access to portions of a program that are unencrypted, which are two separate and distinct concepts, it would not have been obvious to one skilled in the art to combine the teachings of Harvey with those of Florin and Eyer, even in view of *KSR International Co. Teleflex Inc.*, to achieve the claimed invention.

In view of the above, it is clear that amended independent claims 1, 51, and 141 are patentable over Florin, Eyer, and Harvey, whether considered separately or in combination. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9, 10, 57, and 58

Claims 9, 10, 57, and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, and further in view of U.S. Patent No. 5,874,936 (“Berstis”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin Eyer, and Harvey fail to teach the limitations of independent claims 1 and 51. Further, Berstis fails to supply that which Florin, Eyer, and Harvey lack, as evidenced by the fact that the Examiner relies on Berstis solely for the purpose of teaching a

“automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active,” where the cursor is repositioned either immediately or after a predetermined length of time (*see* Action mailed May 30, 2008, page 14).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, and Berstis, whether considered separately or in combination. Further, dependent claims 9, 10, 57, and 58 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 13, 59, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, and Harvey, and further in view of U.S. Publication No. 2003/0101452 (“Hanaya”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, and Harvey fail to teach the limitations of independent claims 1 and 51. Further, Hanaya fails to supply that which Florin, Eyer, and Harvey lack, as evidenced by the fact that Hanaya is relied upon solely for the purpose of teaching changing attributes of a cursor depending on the characteristic of a program/channel displayed in a window over which the cursor is positioned (*see* Action mailed May 30, 2008, page 15).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, and Hanaya, whether considered separately or in combination. Further, dependent claims 11, 13, 59, 61, and 142 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 14 and 110 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, Hanaya and further in view of US. Patent No. 5,809,204 ("Young"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, Harvey, and Hanaya fail to teach the limitations of independent claims 1 and 51. Further, Young fails to supply that which Florin, Eyer, Harvey, and Hanaya lack, as evidenced by the fact that Young is relied upon solely for the purpose of teaching receiving data for assigning the characteristic from a remote control handset (*see* Action mailed May 30, 2008, page 16). In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, Hanaya, and Young, whether considered separately or in combination. Dependent claims 14 and 110 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 17, 18, 65, 119, and 127 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, and further in view of US Patent No. 5,903,314 ("Nijima"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, and Harvey fail to teach the limitations of independent claims 1 and 51. Further, Nijima fails to supply that which Florin, Eyer, and Harvey lack, as evidenced by the fact that the Examiner relies on Nijima solely for the purpose of teaching a "receiving data by communicating with a communications center to obtain information regarding the program displayed in the mosaic window" and "the relative positions of windows of the mosaic

formation are controlled in response to received positioning data for controlling relative positions of windows within the mosaic formation” (see Action mailed May 30, 2008, page 17). In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, and Nijima, whether considered separately or in combination. Further, dependent claims 17, 18, 65, 119, and 127 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, Nijima, and further in view of WO 96/37996 (“Townsend”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, Harvey, and Nijima fail to teach or suggest the limitations of independent claims 1 and 51. Further, Townsend fails to supply that which Florin, Eyer, Harvey, and Nijima lack, as evidenced by the fact that Townsend is relied upon solely for the purpose of teaching dialing up the communications center to supply a request for information about a displayed program and receiving access rights from a remote control handset associated with the decoder (see Action mailed May 30, 2008, page 19). In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, Nijima, and Townsend, whether considered separately or in combination. Dependent claim 19 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 20, 22, and 113 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, and Young. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, and Harvey fail to teach or suggest the limitations of amended independent claims 1 and 51. Further, Young fails to supply that which Florin, Eyer, and Harvey lack, as evidenced by the fact that for rejecting claims 20 and 113, Young is used by the Examiner solely for the purpose of teaching a means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window (*see* Action mailed May 30, 2008, page 20). With respect to claims 22, the Examiner relies on Young solely for the purpose of teaching a forthcoming schedule and the textual display of program schedule information (*see* Action mailed May 30, 2008, pages 20-21).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, and Young, whether considered separately or in combination. Dependent claims 20, 22, and 113 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 23 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, and Young and further in view of US Patent No. 5,815,145 ("Matthews"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, Harvey, and Young teach the limitations of amended independent claims 1 and 51. Further, Matthews fails to supply that which Florin, Eyer, Harvey, and Young lack, as evidenced by the fact that the Examiner relies on Matthews solely for the purpose of teaching a forthcoming schedule with pictorial images, and that the pictorial images comprise video footage (*see* Action mailed May 30, 2008, page 21). In view of the above, it is clear

that amended independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, Young, and Matthews whether considered separately or in combination. Dependent claims 23 and 27 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 31, 33, 36, 56, 79, 84, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, and Matthews. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Harvey teach the limitations of amended independent claims 1 and 51. And again, the Examiner relies on Matthews solely for the purpose of teaching specific details recited in the various rejected dependent claims, such as a picture displayed in the window instead of at least the portion of video, that the picture comprises an image associated with the program displayed in the mosaic, that the further video information is promotional video information (*see* Action mailed May 30, 2008, pages 22-23).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, and Matthews, whether considered separately or in combination. Dependent claims 31, 33, 36, 56, 79, 84, and 116 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 32, 80, and 81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, Matthews, and further in view of US Patent No. 5,663,757 ("Morales"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.



As described above, none of Florin, Eyer, Harvey, and Matthews teach the limitations of amended independent claims 1 and 51. Further, Morales fails to supply that which Florin, Eyer, Harvey, and Matthews lack, as evidenced by the fact that the Examiner relies on Morales solely for the purpose of teaching that a picture comprises a logo associated with a channel displayed in the mosaic window (*see* Action mailed May 30, 2008, page 24). Thus, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, Matthews, and Morales, whether considered separately or in combination. Dependent claims 32, 80, and 81 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, and further in view of US Publication No. 2001/0052135 ("Balak"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Harvey teach the limitations of amended independent claims 1 and 51. Further, Balak fails to supply that which Florin, Eyer, Harvey, lack, as evidenced by the fact that the Examiner relies on Balak solely for the purpose of teaching that advertisements displayed in the mosaic window (*see* Action mailed May 30, 2008, page 25). Thus, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, and Balak, whether considered separately or in combination. Dependent claims 34 and 82 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 37 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, and further in view of US Patent No. 5,978,649 ("Kahn"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Harvey teaches the limitations of amended independent claims 1 and 51. Further, Kahn fails to supply that which Florin, Eyer, and Harvey lack, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of teaching generating a message due to lack of access rights when a cursor is on a channel (*see* Action mailed May 30, 2008, page 26). Thus, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, and Kahn, whether considered separately or in combination. Dependent claims 37 and 85 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 143 and 144 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Harvey, and further in view of US Patent No. 5,036,537 ("Jeffers"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Harvey teaches the limitations of amended independent claims 1 and 51. Further, Jeffers fails to supply that which Florin, Eyer, and Harvey lack, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of teaching generating a message due to lack of access rights when a cursor is on a channel (*see* Action mailed May 30, 2008, page 26). Thus, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Harvey, and Jeffers, whether considered separately or in combination. Dependent

claims 143 and 144 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/028001).

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Respectfully submitted,

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